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[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

**DECISION**  
Case #: FOO - 174984

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**PRELIMINARY RECITALS**

Pursuant to a petition filed on June 16, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Outagamie County Department of Human Services regarding FoodShare benefits (FS), a hearing was held on July 19, 2016, by telephone.

The issue for determination is whether the Outagamie County Department of Human Services (the agency) correctly reduced the Petitioner's Foodshare benefits to \$16.00.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, WI 53703

By: [REDACTED], Economic Support Specialist II  
Outagamie County Department of Human Services  
401 S. Elm Street  
Appleton, WI 54911-5985

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Outagamie County.
2. On June 6, 2016, the agency sent the Petitioner a notice, indicating that as of July 1, 2016, his FoodShare benefits would be reduced from \$269 per month to \$16.00 per month. (Exhibit 4)

3. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and Appeals on June 16, 2016. (Exhibit 1)
4. Petitioner works 20 hours per week, earning \$8.25 an hour. This works out to be:  

$$20 \times \$8.25 \text{ per hour} \times 4.3 \text{ average weeks per month} = \$709.50 \text{ gross monthly income.}$$

(Testimony of Petitioner)
5. Petitioner's wife, apparently earns \$452.26 every two weeks, which works out to be:  

$$\$452.26 \times 2.15 \text{ average bi-weekly pay periods per month} = \$972.36 \text{ gross monthly income}$$

(Exhibit 4)
6. Petitioner has a household of 2; neither person is over age 60, blind, or receiving disability benefits. (Testimony of Petitioner)
7. Petitioner pays \$183.33 per month for property taxes, but has no mortgage obligation and does not pay for homeowner's insurance. He does, however, have a heating expense. (Testimony of Petitioner)

### DISCUSSION

Petitioner's gross household income works out to be:

\$709.50	Petitioner's income
+\$972.36	Petitioner's wife's income
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\$1681.86	Total Income.

Once a household passes the gross income test, the following deductions are applied in determining the household's net income:

- (1) a standard deduction –

This is \$155 per month for a household of 1-3 people, 7 *CFR* § 273.9(d)(1):  
 \$168 for four people  
 \$197 for five people  
 \$226 for six or more people

- (2) an earned income deduction - which equals 20% of the household's total earned income, 7 *CFR* § 273.9(d)(2);

For Petitioner this was:  $\$1681.86 \times 20\% = \$336.37$

- (3) certain medical expenses – for medical expenses exceeding \$35 in a month for an elderly or disabled person, 7 *CFR* § 273.9(d)(3);

This does not apply to Petitioner's case, because there are no elderly, blind or disabled individuals in his household.

- (4) dependent care deduction for child care expenses, 7 *CFR* § 273.9(d)(4); and

Petitioner did not report any dependent care expenses. Although the Petitioner did testify that he has to pay child support, he was uncertain about the exact amount of his child support obligation. The Petitioner will have to get verification of his child support obligation and file a change report with the agency to have this taken into consideration.

- (5) shelter and utility expenses deduction the deduction is equal to the excess expense above 50% of net income remaining after other deductions. 7 CFR § 273.9(d)(5).

The standard utility allowances are as follows:

HSUA – Heating Standard Utility Allowance	\$458
LUA – Limited Utility Allowance	\$293
EUA – Electric Utility Allowance	\$119
WUA-Water and Sewer Utility Allowance	\$78
FUA- Cooking Fuel Allowance	\$46
PUA- Phone Utility Allowance	\$30
TUA – Garbage and Trash Utility Allowance	\$20

There is a cap of \$504.00 on the shelter cost deduction, *unless* a household has an elderly, blind or disabled member.

It is undisputed that the Petitioner has a heating expense, and is therefore, entitled to the full \$458 utility deduction.

*FSH, §§ 4.6.7.1 and 8.1.3.*

Applying the applicable deductions to Petitioner's income we have the following net income calculation, effective July 1, 2016:

Gross Income	\$1681.86	Mortgage	\$zero
Earned Income Deduction	-\$336.37	Insurance	+\$zero
Standard Deduction	-\$155.00	Property Tax	+\$183.33
No Medical Expenses exceeding \$35		HSU	+\$458.00
Dependent Care Expenses		-50% net income	-\$595.24
		<u>before shelter deduction</u>	
Net Income before shelter deduction	\$1190.49	Excess Shelter Expense: \$46.09	
Excess Shelter Expense	- \$46.09		
Net Income	\$1144.40		

Households of 2 with a net income of \$1144.40 are eligible for \$16.00 in Foodshare benefits. *FSH §8.1.2*

### **CONCLUSIONS OF LAW**

The agency correctly reduced the Petitioner's FoodShare benefits to \$16.00.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

## REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 8th day of August, 2016

\s \_\_\_\_\_  
Mayumi M. Ishii  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on August 8, 2016.

Outagamie County Department of Human Services  
Division of Health Care Access and Accountability